

TERMINAL DISCLAIMER UNDER 37 CFR §1.321

Your petitioner, SmithKline Beecham Biologicals, S.A., a corporation organized under the laws of Belgium and having its principal place of business at rue de l'Institut 89, B-1330, Rixensart, Belgium represents that it is the assignee as recorded on 1 August 1996, Reel 8069, Frame 0906 of application Serial Number 10/654,279, filed on September 03, 2003 for "Vaccines".

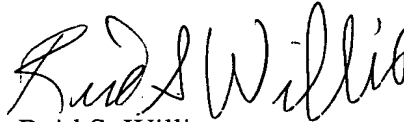
Your petitioner, SmithKline Beecham Biologicals, S.A., hereby disclaims the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the earlier of the full statutory term defined in 35 USC 154 and 156 and of the term as presently shortened by any terminal disclaimer of U.S. Patents 6,146,632 and 6,623,739, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patents 6,146,632 and 6,623,739. This agreement to run with any patent granted on the above-identified application is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the earlier of the full statutory term defined in 35 USC 154 and of the term as presently shortened by any terminal disclaimer of U.S. Patents 6,146,632 and 6,623,739 in the event that either or both of U.S. Patents 6,146,632 and 6,623,739 are abandoned, expire for failure to pay a maintenance fee, are held unenforceable or are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), have all claims canceled by a reexamination certificate, or are otherwise not deemed to provide the rights conveyed by 35 USC 154 prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. This disclaimer shall not be effective against any patent term extensions obtained under 35 USC §156 for any patent granted on the above-identified application.

Please charge the \$130.00 fee required by this Petition under 37 CFR 1.20(d) to Deposit Account Number 19-2570.

Also should the Commissioner determine that said fee is not sufficient to have the petition entered, the Commissioner is hereby authorized to charge any such fee that may be required by this petition or to credit any over payment to said deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Reid S. Willis". The signature is fluid and cursive, with the first name "Reid" and last name "Willis" clearly distinguishable.

Reid S. Willis  
Attorney for Applicants  
Registration No. 39,429

GLAXOSMITHKLINE  
Corporate Intellectual Property UW2220  
P.O. Box 1539  
King of Prussia, PA 19406-0939  
Phone (610) 270-6316  
Facsimile (610) 270-5090  
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